APPENDIX A.

ORDINANCES, STATUTES, AND CONSTITUTIONAL PROVISIONS INVOLVED.

I. General Ordinances of the City of Louisville.

§ 61-25. *Conditions.* All licenses granted under this ordinance shall be granted subject to the following conditions, and all other conditions of other ordinances and regulations of the City of Louisville applicable thereto and all rules and regulations duly adopted by the City Alcoholic Beverage Administrator:

(a) Every applicant procuring such license thereby consents to the entry of police or any duly authorized representative of the police department of the City of Louisville including the City Alcoholic Beverage Administrator, or any of his employees, or those of the Department of Health, at all reasonable hours for the purpose of inspection and search and consents to the removal from said premises of all things and articles which are had in violation of said ordinance of the City of Louisville or State Law or Federal Law and consents to the introduction of such things and articles in evidence in any hearing or prosecution that may be brought for such offense.

§ 61-46. *Dancing on Premises Prohibited.* No license to dispense alcoholic beverages shall be granted to any applicant, except a hotel, who sells, gives away or dispenses or is equipped to sell, give away or dispense alcoholic beverages from a bar in any room where the patrons of the place of business, owned, operated or conducted by the applicant are invited or permitted to dance; nor to any applicant except a hotel who maintains a bar in any room where the patrons of the place of business owned, operated

or conducted by the applicant are invited or permitted to dance.

§ 61-55. *General Penalty.* Any person who shall violate any provision of this ordinance for which no specific penalty is provided shall be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) for each such offense. Such fine, in the case of a licensee violating any provision of this ordinance, shall be in addition to and independent of any action which may be taken by the City Alcoholic Beverage Administrator.

§ 67-15. *Amusement.* Every person or corporation engaged in the business as said term is defined under Section 67-4 of this ordinance of upholding, sponsoring or exhibiting any concert, lecture, exhibition, museum, show or performance of any kind whatsoever not held in a regularly licensed theater, amusement park, or the Louisville War Memorial Auditorium, shall pay a license fee of $100.00 for each week or fraction thereof, such fee to be paid prior to said exhibition or performance. This section shall not include a dance hall.

§ 67-16. *Dance Halls.* Each dance hall in the City of Louisville shall pay a minimum license fee of $62.00 annually on or before July 15 of each year. Any place of business held open to the general public where patrons are permitted to dance shall be deemed a dance hall within the meaning of this section. Provided, however, that a regularly licensed place of amusement shall not be deemed a dance hall within the meaning of this section.

Before a license shall be issued to a dance hall as defined hereunder, the licensee shall first obtain the written approval of the Director of Safety of the City of Louisville.

§ 67-39. *Violation As Misdemeanor.* Any person or corporation who shall fail, neglect or refuse to make any return required by this ordinance, or any employer who

shall fail to withhold said license fees or to pay over to the City fees so withheld under the terms of this ordinance, or any person who shall refuse to permit the Secretary-Treasurer or any agent or employee designated by him, in writing, to examine his books, records and papers, or who shall knowingly make any incomplete, false or fraudulent return, or who shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings or profits in order to avoid the payment of the whole or any part of the license fee shall, upon conviction, be subject to a fine or penalty of $100.00 and costs for each offense.

§ 85-8. *Disorderly Conduct, Penalty.* (a) Whoever shall be found guilty of disorderly conduct in the City of Louisville shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00), or imprisoned not exceeding fifty (50) days, or both so fined and imprisoned.

(b) In addition to imposing a fine, the Police Court may hold the offender to bail in a sum not exceeding one thousand dollars ($1,000) to keep the peace, or be of good behavior for any length of time not exceeding one year.

(c) Should the offender fail to give bond or fail to pay the fine, he shall be forthwith committed to the city workhouse, and shall be kept in custody until bail be given, or until the time fixed by the judgment all have expired and the fine be paid or satisfied by labor as provided by law.

§ 85-12. *Loitering, Prohibited.* It shall be unlawful for any person or persons, without visible means of support, or who cannot give a satisfactory account of himself, herself, or themselves, to loaf, congregate, or loiter upon, along, in or through the public streets, thoroughfares, or highways of the City of Louisville; or for such person or persons to sleep, lie, loaf, or trespass in or about any premises, building, or other structure in the City of Louis-

ville, without first having obtained the consent of the owner or controller of said premises, structure, or building; or for such person or persons to sleep or lie in or upon any public thoroughfare, highway, park, boulevard, or wharf of the City of Louisville; or for such person or persons to beg or solicit alms in the streets or the highways of the City of Louisville; or for such person or persons to habitually consort with bawds, thieves, malefactors, or other disreputable or dangerous characters in the City of Louisville.

§ 85-13. *Penalty.* Any person violating this ordinance shall be guilty of the offense of loitering, and shall be liable to arrest therefor; and for each offense shall be punished by a fine of not exceeding fifty dollars ($50.00), or he shall be compelled to give bond in the sum of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), conditioned upon his or her good behavior, and keeping the peace for not exceeding one year; and in default of such bond, if the same be required, the defendant shall be imprisoned in the workhouse, and there confined during the period said bond was to cover, or until the same shall be executed as required; or the defendant may be both so fined and required to execute a bond to be of good behavior as aforesaid, in the discretion of the court.

II. Kentucky Revised Statutes.

§ 26.010 *Criminal and penal jurisdiction of police courts.* Except as provided in KRS 167.990, 199.990 and 242.990, police courts in cities of every class have jurisdiction exclusive of circuit courts in all penal and misdemeanor cases where the punishment is limited to a fine of not more than twenty dollars, jurisdiction concurrent with circuit courts of all penal and misdemeanor cases where the punishment is limited to a fine of not more than five hundred dollars, or imprisonment not exceeding twelve months, or both, and

exclusive jurisdiction of all violations of city ordinances, occurring within the city limits.

§ 26.080 *Appeals to circuit court and Court of Appeals from police court in cities of first class.* (1) In cases where a fine of twenty dollars or more is imposed by the police court in a city of the first class, appeal may be taken to the circuit court.

(2) In cases where a fine of twenty dollars or less is imposed under an ordinance of a city of the first class, the legality of the ordinance may be tested by the city by an appeal to the circuit court, or by the defendant by a writ of prohibition to the circuit court, and after a decision has been rendered in the circuit court either the city or the accused may appeal from the circuit court to the Court of Appeals.

(3) In all cases where, in addition to a fine, imprisonment exceeding ten days is imposed by the police court in a city of the first class, the defendant may appeal to the circuit court, and thence to the Court of Appeals, except in cases in which bail has been required for good behavior and has not been given.

§ 95.150 *Police, powers and duties.* (1) The chief and members of the police force shall possess all the common law and statutory powers of constables, except for the service of civil process.

§ 244.080 *Retail sales to certain persons prohibited.* No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

(1) . . .

(2) . . .

(3) An habitual drunkard or any person convicted of drunkenness as many as three times within the most recent twelve months period.

§ 244.120 *Retail premises not to be disorderly.* (1) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly or allow criminals and people of ill repute to congregate on the premises.

III. Kentucky Constitution.

§ 110. *Jurisdiction and Powers of Court of Appeals.*— The court of appeals shall have appellate jurisdiction only, which shall be co-extensive with the state, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

IV.. Kentucky Criminal Code.

§ 36 *Peace officer may arrest; when.* A peace officer may make an arrest—

1. *In obedience to warrant.* In obedience to a warrant of arrest delivered to him.

2. *Without a warrant; when.* Without a warrant, when a public offense is committed in his presence, or when he has reasonable grounds for believing that the person arrested his committed a felony.

3. *Officer may go out of county to arrest; when.* That such peace officer with a warrant of arrest may cross a county line and proceed as far as two miles therefrom for the purpose of making the arrest in the adjoining county or counties; provided, that such peace officer, when in the actual pursuit of an offender, may go so far as may be necessary for the purpose of making such arrest.

APPENDIX B.

POLICE RECORD OF SAM THOMPSON.

From January 24, 1958 to January 24, 1959.

6- 7-58 DPP—Am. D.C. $5.00
6-12-58 DPP—$10.00 fine
6-25-58 DPP, DC—$10.00 fine on DPP, D.C. Filed Away
7- 4-58 DPP—$10.00 fine
7-12-58 Vag-Loit—Vag $20.00 fine; Loit. Filed Away
8-30-58 DPP—$20.00 fine
9-27-58 DPP—$10.00 fine
10-24-58 DPP—$10.00 fine
11-16-58 DPP-Loit—DPP $10.00 fine; Loit Filed Away
1-10-59 DPP, DC—DPP $10.00 fine; D.C. Filed Away
1-14-59 Vag, Loit—Vag. 30 days; Loit $20.00
Appealed Criminal Court—Dismissed 3-18-59
1-24-59 Loit, DC—Loit $10; DC $10

/s/ James E. Malone, Major
Superintendent,
Bureau of Records

EXPLANATION:

DC—Disorderly Conduct.
DPP—Drunk in a Public Place.
Loit—Loitering.
Vag—Vagrancy.